

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-293

v.

HON. JANET T. NEFF

RICHARD JULIUS DONALDSON,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Richard Julius Donaldson has filed a motion for modification or reduction of sentence (Dkt 55) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 66), Defendant has filed a Response (Dkt 71), and the Government has filed a Response (Dkt 72).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 66), Defendant's Response (Dkt 71), and the Government's Response (Dkt 72), the Court has determined that the defendant is

eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 55) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 151 months. As noted in the Government's Response to the Sentence Modification Report (Dkt 72), a sentence of 151 months takes into account both of the previous reductions awarded to defendant for his substantial cooperation to the government, to wit, the 12 month reduction under USSG § 5K1.1 and the 72 month reduction under Rule 35(b) of the Federal Rules of Criminal Procedure.

DATED: March 7, 2016

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge